

CITY COUNCIL  
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING THE  
SETTLEMENT OF THE CLAIM OF JACOB  
VAKNIN IN THE AMOUNT OF \$6,630.61  
AGAINST THE CITY OF ATLANTA  
ARISING FROM A SEWER BACK UP.**

**02-*R*-1527**

**WHEREAS**, JACOB VAKNIN has filed a claim against the City of Atlanta seeking damages arising out of several sanitary sewer back ups to his property located at 3372 Rockhaven Circle, Atlanta, Georgia; and

**WHEREAS**, property owned by JACOB VAKNIN has been damaged due to sewer back ups and sewer overflows resulting from blockages in the mainline. These blockages are due to an accumulation of grease, sludge and roots which the City had knowledge of prior to the back ups which occurred on January 12, January 24, and March 2, 2002, specifically; and

**WHEREAS**, the City of Atlanta was on notice of said nuisance and made an attempt, however unsuccessful, to abate said nuisance; and

**WHEREAS**, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

**WHEREAS**, the claimant has asserted damages in the amount of \$6,630.61 and has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

**WHEREAS**, the City Attorney has recommended that the claim of JACOB VAKNIN, be settled for the sum of \$6,630.61.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that \$6,630.61 be paid by the City of Atlanta to JACOB VAKNIN, in satisfaction of any and all claims he may have stemming from damages sustained to his property on or about January 12, January 24, and March 2, 2002, at 3372 Rockhaven Circle, and that the City Attorney prepare appropriate releases.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

A true copy,

*Phonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

SEP 16, 2002  
SEP 24, 2002

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 02L0163 and 02L0332

Date: August 28, 2002

Claimant /Victim JACOB VAKNIN  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 3372 Rockhaven Circle, Atlanta, Georgia 30324  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 6,630.61 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 1/12/02 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 1/12/02, 1/24/02, 3/2/02 Place: 3372 Rockhaven Circle  
Department PUBLIC WORKS Division Sewer Operations  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** Claimant alleges that he sustained damages to his home from several sewer backups. An investigation determined that the City was on notice of a problem at this location but failed to permanently correct it.


**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_


**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ 6,630.61 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2P01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 08/30/02  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3984  
9/16/02  
2:03 PM

Atlanta City Council

Regular Session

CONSENT I                      Pgs. 1-14; except 02-O-1591; 02-O-1592  
                                    02-R-1589; 02-R-1540; 02-R-1542  
                                    ADOPT

YEAS:    14  
NAYS:    0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT    1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	B Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

		09/16/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA		ITEMS ADVERSE ON CONSENT AGENDA
1. 02-O-1453	43. 02-R-1509	45. 02-R-1502
2. 02-O-1586	44. 02-R-1510	46. 02-R-1503
3. 02-O-1496		47. 02-R-1504
4. 02-O-1389		48. 02-R-1505
5. 02-O-1390		49. 02-R-1506
6. 02-O-0791		50. 02-R-1511
7. 02-O-1258		51. 02-R-1512
8. 02-O-1298		52. 02-R-1513
9. 02-O-1391		53. 02-R-1514
10. 02-O-1395		54. 02-R-1515
11. 02-O-1450		55. 02-R-1516
12. 02-R-1535		56. 02-R-1517
13. 02-R-1541		57. 02-R-1518
14. 02-R-1546		58. 02-R-1519
15. 02-R-1526		59. 02-R-1520
16. 02-R-1527		60. 02-R-1521
17. 02-R-1528		61. 02-R-1522
18. 02-R-1529		62. 02-R-1523
19. 02-R-1530		63. 02-R-1524
20. 02-R-1531		64. 02-R-1525
21. 02-R-1532		
22. 02-R-1560		
23. 02-R-1561		
24. 02-R-1615		
25. 02-R-1563		
26. 02-R-1564		
27. 02-R-1565		
28. 02-R-1566		
29. 02-R-1568		
30. 02-R-1569		
31. 02-R-1570		
32. 02-R-1572		
33. 02-R-1573		
34. 02-R-1574		
35. 02-R-1487		
36. 02-R-1533		
37. 02-R-1557		
38. 02-R-1558		
39. 02-R-1559		
40. 02-R-1616		
41. 02-R-1507		
42. 02-R-1508		

Consent I Vote: 14Yeas; 0 Nays (See RCS #3984)

Items Removed from Consent: 02-O-1591; 02-O-1592; 02-R-1589; 02-O-1540; 02-R-1542

02-R-1527  
(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY & LEGAL  
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING  
THE SETTLEMENT OF THE  
CLAIM OF JACOB VAKNIN IN  
THE AMOUNT OF \$6,630.61  
AGAINST THE CITY OF  
ATLANTA ARISING FROM  
SEVERAL SEWER BACK UPS

By:

*Rosalind Rubens Newell*  
Rosalind Rubens Newell  
Deputy City Attorney

ADOPTED BY

- ☐ CONSENT REFER SEP 16 2002  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER COUNCIL  
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED  
SEP 16 2002

VERIFIED COUNCIL PRESIDENT

*Calvin W. Hollard*

CERTIFIED  
SEP 16 2002

VERIFIED COUNCIL CLERK

MAYOR'S ACTION

APPROVED  
SEP 24 2002

MAYOR